



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 11

RICHARD D WEIR
1404 WESSON COVE
CEDAR PARK TX 78613

COPY MAILED

JAN 09 2004

OFFICE OF PETITIONS

In re Application of
Weir, et al.
Application No. 09/833,609
Filed: April 12, 2001
Docket No. EESTor 100

:
:
:
:
:
ON PETITION

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed December 22, 2003 (Certificate of Mailing dated December 17, 2003).

The petition is **GRANTED**.

Petitioner states that the instant application is the subject of a PCT international application filed on July 22, 2003. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the PCT application.

In view of the above, this application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 USC 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth a projected publication date of April 15, 2004 accompanies this decision.

It is noted that a Notice of Non-Compliant Amendment was mailed on November 13, 2003. The one-month, extendable period for response to that notice is restarted from the mailing date of this decision.

The application file is being forwarded to Technology Center 1700 for restarting the period for reply to the Notice of Non-Compliant Amendment, and to await for applicants' reply to that notice.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing (1 page)